

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 78477

Chris R. Harting  
12007 Garrison Forest Road  
Owings Mills MD 21117

8109 Pleasant Plains Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 14, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to properly store trash, junk and debris in cans with tight fitting lids on residential property zoned DR 10.5 known as 8109 Pleasant Plains Road, 21286.

On June 17, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector M. Stuart Kelly issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,400.00 (four thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Chris Harting, Respondent and, M. Stuart Kelly, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 26, 2010 for storage of garbage in containers with tight lids. This Citation was issued on June 17, 2010.

B. Inspector Stuart Kelly testified that his inspections of this residential investment property found garbage being stored in cans without lids, and in one can that is split down the side. Photographs in the file show cans overflowing with bagged garbage, and a can with a large hole in the side and full of garbage. Re-inspection on July 12, 2010 found two cans without lids, and two cans with lids that were not properly closed. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Respondent Harting testified that he has obtained a new can and will obtain another can and will have lids properly closing all cans. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds the violations corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf